

# *DFEH News Brief*

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## **ORANGE COUNTY APARTMENT COMPLEX PAYS \$125,000 IN SETTLEMENT OF LAWSUIT ALLEGING DISCRIMINATION AGAINST FAMILIES WITH CHILDREN**

**Elk Grove** – The Department of Fair Employment and Housing (DFEH) today announced the \$125,000 settlement of a complaint of housing discrimination filed by residents of the Rose Garden Apartments in Garden Grove, Orange County. Marisol Damian and her three (3) minor children, along with Raul Bailon and his two (2) minor children, and the Fair Housing Council of Orange County filed complaints with the DFEH, alleging that Stuart Drive/Rose Garden, LP, Bertram Management, LLC, and on-site manager Sorin Ghimbasanu (Ghimbasanu) (all, collectively, Rose Garden) violated the Fair Employment and Housing Act and Unruh Civil Rights Act by enacting and enforcing rules and regulations restricting the manner in which minor children were allowed to use the common facilities and areas of the apartment complex.

Rose Garden required all children under the age of eighteen to be in “the immediate and direct care and supervision of a responsible adult” whenever outside their apartment or utilizing any of the complex’s amenities. Its standard lease agreement provided that a single instance of a failure to comply constituted a breach of the agreement and could result in a termination of tenancy. Rose Garden imposed a curfew upon all residents and prohibited bicycles, roller blades, and skateboards anywhere within the complex. The rules also stated that “[u]nnecessary loitering by you . . . in front of your apartment, courtyard area, stairways, or anywhere on the premises is prohibited and may result in termination of your occupancy.”

Children residing in the apartments were prohibited from playing on the grassy areas of the complex, confined instead to a sandbox. The complainants were issued warning and “nuisance” notices and assessed fines in the amount of \$25 each for allowing their children to play outside the designated area. Rose Garden refused to accept rental payments until all outstanding fines were paid in full.

Whenever Ghimbasanu observed the children playing outside near their unit's front door, he ordered them to go back inside the apartment.

The DFEH filed suit in Orange County Superior Court, contending that Rose Garden's practices constituted discrimination on the basis of familial status because they denied tenants with children the right to use and enjoy the premises in a manner equivalent to tenants who had no children. The DFEH also alleged that Rose Garden violated the Unruh Civil Rights Act which requires the equal provision of goods and services by a business establishment to all persons.

With no admission of liability, Rose Garden agreed to pay a total of \$125,000 in damages, abide by all applicable fair housing laws, and develop or revise its rules and policies as necessary in order to do so. Rose Garden also agreed that its employees will attend training conducted by the Fair Housing Council for the next five (5) years. Finally, Rose Garden will provide the DFEH's informational pamphlets outlining tenant and landlord rights and responsibilities to all current and prospective residents and prominently display the DFEH's posters – in English and Spanish.

"This case illustrates the value of the DFEH's partnership with local fair housing councils. The DFEH commends the work of the Fair Housing Council of Orange County in referring the victims to the DFEH and assisting in resolving this case," commented DFEH Director Suzanne Ambrose. "The case also underscores the need for California housing providers to be aware of their responsibility to comply with the FEHA's prohibition on enforcing overly-restrictive rules and regulations that have the effect of denying equal terms, conditions and privileges of housing on families with children. Rules such as those at issue in this case are viewed by the DFEH as code for 'no children allowed.'"

The DFEH enforces laws prohibiting discrimination in employment, housing, public accommodations and acts of hate violence. Further information about the DFEH and its services may be obtained by visiting the Department's web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) or calling (800) 884-1684. Housing discrimination complaints may be filed with the DFEH by calling (800) 233-3212.